

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHANA CORBINE,

Defendant.

ORDER

09-cr-104-bbc

Defendant Shana Corbine has filed a motion in which she asks the court to take action regarding a pending state prosecution. She does not identify the proceeding or the court but says she has petitioned the state court to dismiss the state proceeding. She asks that in the event the state court denies the motion to dismiss and imposes a term of imprisonment, this court run any such sentence concurrently with the sentence imposed in this court.

The motion must be denied. Defendant has not been sentenced and may never be, so it would be premature to act on her motion. In any event, it is often the case that state courts will dismiss a proceeding if the federal court has imposed a lengthy term of imprisonment on the defendant. If the state court were to act, defendant should ask that

court to run its sentence concurrently with this court's sentence, rather than ask this court to run its sentence concurrently with one that has never taken effect.

It appears from the motion that defendant wants this court to check with the state court to see whether the pending state charges will be dismissed. Without knowing where the proceeding is pending, I could not make such an inquiry.

If defendant has any additional questions, she should write directly to the probation officer who prepared her presentence report, Shawn Robinson.

Entered this 26th day of August, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge